

Robert C. Sheps, Esq. (RCS-5388)  
SHEPS LAW GROUP, P.C.  
ATTORNEY FOR PLAINTIFF  
NATIONWIDE MUTUAL FIRE  
35 PINELAWN ROAD- 106 E  
MELVILLE, NY 11747

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ONE BEACON INSURANCE COMPANY  
a/s/o Applied Building Development of New York, Inc.

Docket No.: 06 CV 5629 (KMK)

Plaintiff,  
-against-

COMBINED ENERGY SERVICES, INC.

Defendant(s).

COMBINED ENERGY SERVICES, INC.

Third -Party Plaintiff,

-against-

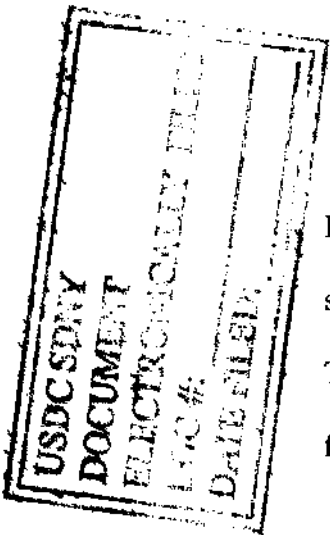
SHUBACK DRYWALL and WILLIAM TRAVERS

Third-Party DefendantS.

**PLAINTIFF'S  
COMPLAINT AGAINST  
THIRD PARTY  
DEFENDANTS  
PURSUANT TO  
FRCP 14**

**PLAINTIFF'S COMPLAINT AGAINST THIRD PARTY DEFENDANTS,  
SHUBACK DRYWALL and WILLIAM TRAVERS, PURSUANT TO  
RULE 14 (A) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Plaintiff, One Beacon Insurance Company as subrogee of Applied Building Development of New York, Inc., by their attorneys, Sheps Law Group, P.C., hereby submits its complaint against Third Party Defendants, Shuback Drywall and William Travers pursuant to Rule 14 (a) of the Federal Rules of Civil Procedure, alleges as follows:



1. Plaintiffs, One Beacon Insurance Company (hereinafter One Beacon), filed a Complaint against defendant, Combined Energy Services, Inc. (hereinafter "Combined Energy"), a copy of which is attached hereto and marked as "Exhibit A".

2. Defendant and Third-Party Plaintiff, Combined Energy, filed an Answer to the aforesaid Complaint, a copy of which is attached hereto and marked as "Exhibit B".

3. Plaintiff's Complaint against Defendant and Third-Party Plaintiff, Combined Energy is based upon its negligence. (See "Exhibit A").

4. Defendant and Third-Party Plaintiff, Combined Energy, has alleged in its Third-Party Complaint that Third-Party Defendants, Shuback Drywall and William Travers, may be liable for damages as a result of a fire that occurred due to improper use of a propane fueled space heater that Third-Party defendants utilized at the loss premises.

5 Plaintiff incorporates all of the allegations in the Third-Party Complaint filed by Combined Energy, as though fully set forth at length herein.

6 Plaintiff further incorporates all of the allegations in the Third-Party Complaint filed by , Combined Energy, against, Shuback Drywall and William Travers, insofar as those allegations related to claims that the Third-Party Defendants were negligent, careless or otherwise responsible for the damages suffered by the plaintiff's insured.

7 To the extent that the Third-Party Defendants, Shuback Drywall and William Travers, are found to be negligent, careless or otherwise responsible, for the damages suffered by the plaintiff's insured for the reasons set forth in either the

Complaint, the Third-Party Complaint or by reason of a breach of the Third-Party Defendant's contract, Third-Party Plaintiff, Combined Energy. and such actions or omissions are determined to be legal causes of the damages suffered by the plaintiff's insured, than plaintiff makes a direct claim against Third-party Defendant Combined Energy, pursuant to Rule 14 (a) of the Federal Rules of Civil Procedure.

WHEREFORE, plaintiffs One Beacon Insurance Company, demands judgment in its favor against Defendants. in the amount in excess of ONE HUNDRED AND TWENTY THOUSAND DOLLARS (\$120,000.00), together with interest, costs of this action, and such other and further relief as the court deems just and proper.

Dated: Melville, New York  
June 2, 2008

Respectfully submitted,



SHEPS LAW GROUP

By: Robert C. Sheps  
Attorneys for Plaintiff  
35 Pinelawn Road – Suite 106E  
Melville, New York 11747  
(631) 249-5600  
File Number 6841

To:

Rik A. Bachman  
LAW OFFICE OF THOMAS K. MOORE  
701 WESTCHESTER AVE STE 101  
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ARMIENTI, DeBELLIS, GUGIELMO & RHODEN, LLP  
Attorneys for the Defendant  
WILLIAM TRAVERS  
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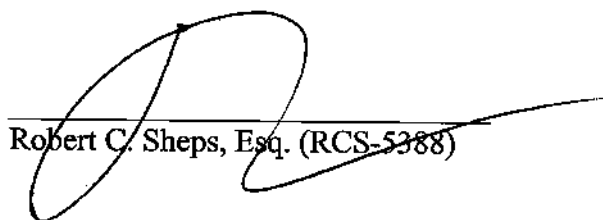
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**CERTIFICATE OF SERVICE**

ROBERT C. SHEPS Esquire, counsel for plaintiff, hereby certifies that a true and correct copy of a Plaintiff's Complaint Against Third-Party Defendants SHUBACK DRYWALL and WILLIAM TRAVERS pursuant to Rule 14(A) of the Federal Rules of Civil Procedure was served on July 11, 2008 via First Class United States Mail upon counsel for defendants addressed as follows:

Rik A. Bachman  
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